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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,680	05/30/2001	Osami Ushigusa	1359.1047	5106
21171	7590	01/09/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,680

Applicant(s)

USHIGUSA, OSAMI

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the Request for Continued Examination filed on 10/27/05. Claims 1, 3-7, 10, 11, 14, and 20 were amended. No other claims were added or canceled. Accordingly, claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US PG PUB 2002/0026349 A1), hereinafter referred to as Reilly further in view of Theimer et al (US Patent No. 5,493,692).

As to claim 1, Reilly teaches an information distribution apparatus for mediating distribution of information received from a sending apparatus of a sender and distributed to a receiving apparatus of a receiver, comprising: a sending/receiving control part for conducting communication via a network with the sending apparatus and the receiving apparatus; (Abstract; 0033, 0097-0101)

a distribution rank storage part for storing a distribution rank selected in advance by the receiver with respect to distribution information from the sender, among

distribution ranks defining distribution conditions containing designation of a summarization degree of distribution information in a plurality of levels; (Abstract; 0015, 0017, 0031-0035 [Although the claim recites “a distribution rank selected in advance”, it does not mention what it is selected in advance of.]])

a distribution information storage part for storing an original of distribution information received from the sending apparatus; (Abstract, 0015, 0035, 0069, 0091-0093)

and a summarization processing part for, when receiving a request for distribution of stored distribution information received from the sending apparatus through the sending/receiving control part, obtaining from the distribution rank storage part a distribution rank previously selected by the receiver of the stored distribution information and selected based on its correspondence to the sender of the distribution information from the sender, and conducting summarization processing of the distribution information stored in the distribution information storage part in accordance with designation of a summarization degree corresponding to the obtained distribution rank, wherein the distribution information in accordance with the distribution rank is distributed from the sending/receiving control part to the receiving apparatus. (Abstract; 0015, 0017, 0031-0035, 0051, 0054, 0069)

However, Reilly does not explicitly indicate that the rank is selected in advance by the receiver before receiving distribution information from the sender. Theimer et al

teaches the selection of a rank based upon a pre-existing user-defined profile that is set up prior to receiving information from the sender (see abstract; col 4, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Theimer et al into those of Reilly to make the system automated. By allowing the user to create a profile by which all incoming messages would be judged by, as opposed to the method taught by Reilly, one would not have to specify similar information on a continuous basis.

Claims 11 and 20 are rejected for essentially being the method and computer program product for the apparatus described in claim 1.

As to claim 2, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution conditions further include designation of a distribution time. (0059, 0065)

As to claim 3, Reilly teaches an information distribution apparatus according to claim 1, comprising a retransmission processing part receiving a request for transmission of an original of distribution information from a receiver of distribution information subjected to the summarization processing, extracting an original stored in the distribution information storage part, and distributing the original to the receiving apparatus through the sending/receiving control part. (Abstract, 0091-0093)

Claim 12 is rejected for essentially being the method for the system described in claim 3.

As to claim 4, Reilly teaches an information distribution apparatus according to claim 1, comprising a rank information passing part for totalizing distribution ranks stored in the distribution rank storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0041, 0055-0066, 0070, 0101)

Claim 13 is rejected for essentially being the method for the system described in claim 4.

As to claim 5, an information distribution apparatus according to claim 1, comprising an image information generating part adding screen definition information of a rank setting screen for allowing a receiver to input the distribution rank by selection, or access information to the rank setting screen to each distribution information; and a distribution rank updating part updating contents stored in the distribution rank storage part, based on a selection result which a receiver inputs by selection on the rank setting screen. (Abstract, 0017, 0035, 0051-0052, 0055, 0066, 0070, 0071)

Claim 14 is rejected for essentially being the method for the system described in claim 5.

As to claim 6, Reilly teaches an information distribution apparatus according to claim 5, wherein the rank setting screen includes a questionnaire column in addition to a selection column of the distribution rank, the information distribution apparatus comprising: a questionnaire result storage part storing answer data to the questionnaire column; a questionnaire record updating part receiving answer data to the questionnaire

column from the receiving apparatus through the sending/receiving control part, and updating contents stored in the questionnaire result storage part; and a questionnaire information passing part totalizing questionnaire results stored in the questionnaire result storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0033-0035, 0041, 0047, 0060, 0062, 0071)

Claim 15 is rejected for essentially being the method for the system described in claim 6.

As to claim 7, Reilly teaches an information distribution apparatus according to claim 6, comprising a menu storage part storing predetermined questionnaire contents and questionnaire contents provided by each sender, wherein questionnaire contents to be displayed in the questionnaire column on the rank setting screen are selected by each sender from questionnaire contents stored in the menu storage part. (Abstract, 0017, 0071, 0071, 0072)

Claim 16 is rejected for essentially being the method for the system described in claim 7.

As to claim 8, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution rank storage part includes a region for storing a distribution rank selected by each receiver on a sender basis or on the basis of the kind of information distributed from each sender. (Abstract, 0071, 0072)

Claim 17 is rejected for essentially being the method for the system described in claim 8.

As to claim 9, Reilly teaches an information distribution apparatus according to claim 1, wherein summarization processing of distribution information by the summarization processing part is either one of the following processing selected by each sender: processing of conducting summarization based on a predetermined rule and processing of outputting an abstract previously provided together with the distribution information in accordance with each distribution rank from the sender as a summarized result. (Abstract, 0051, 0052, 0059, 0069)

Claim 18 is rejected for essentially being the method for the system described in claim 9.

As to claim 10, Reilly teaches an information distribution apparatus according to claim 1, comprising a standard rank determining part determining an initial distribution rank based on evaluation by a plurality of receivers. (0105)

Claim 19 is rejected for essentially being the method for the system described in claim 10.

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues in substance that claim 21 contains similar limitations that distinguish it over the prior art and thus should be considered. In response, claim 21 has already been withdrawn from consideration in the previous office action because it

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contains limitations directed towards a distinct invention. It must be canceled in response to this action.

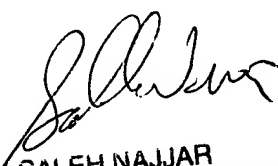
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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